

REMARKS

In the Office Action of April 10, 2008, the Examiner has kindly provided guidelines that illustrate the preferred layout for the specification of a utility application. In addition, claims 1-9 were rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over an IEEE paper titled "Digital Television Application Manager" ("Peng et al.") in view of U.S. Patent No. 7,216,170 ("Ludvig et al.").

With respect to the suggested guidelines, Applicant respectfully notes that the indicated suggestions in 37 C.F.R. § 1.77(b) are not statutorily required for filing a non-provisional patent application under 35 USC § 111(a), but per 37 C.F.R. § 1.51(d) are only guidelines that are suggested for Applicant's use. The section headings are not mandatory, and in fact when Rule 77 was amended in 1996 (61 FR 42790, Aug. 19, 1996), Bruce A. Lehman, Assistant Secretary of Commerce and Commissioner of Patents and Trademarks, stated in the Official Gazette:

"Section 1.77 is permissive rather than mandatory. ... 1.77 merely expresses the Office's preference for the arrangement of the application elements. The Office may advise an applicant that the application does not comply with the format set forth in 1.77, and suggest this format for the applicant's consideration; however, the Office will not require any application to comply with the format set forth in 1.77."

In view of the above, Applicant respectfully declines to follow these suggested guidelines.

With respect to Section 103 rejections of claims 1-9, Applicant has amended the independent claims 1, 8 and 9 to more clearly distinguish the claimed invention from the cited references. As amended, the independent claims 1, 8 and 9 are not obvious in view of the cited references of Peng et al. and Ludvig et al. In addition, Applicant has amended claims 2-4 to make minor changes and/or corrections. Furthermore, Applicant has also added new claim 12. In view of the claim amendments and the following remarks, Applicant respectfully requests that the pending claims 1-9 and 12 be allowed.

A. Patentability of Amended Independent Claims 1, 8 and 9

As amended, the independent claim 1 recites in part “*the feature data related to said first feature and said second feature being part of said first Xlet.*” Support for this limitation can be found at least on page 8, lines 7-9, of Applicant’s specification. Such limitation is not disclosed in the cited references of Peng et al. and Ludvig et al. Thus, the amended independent claim 1 is not obvious in view of these cited references. As such, Applicant respectfully requests that the amended independent claim 1 be allowed.

The Office Action on page 3 states that “Peng et al. fail to disclose that said data relating to said first Xlet further comprise feature data needed to execute at least a second independent feature.” Thus, the cited reference of Peng et al. also fails to disclose “*the feature data related to said first feature and said second feature being part of said first Xlet,*” as recited in the amended independent claim 1.

The cited reference of Ludvig et al. discloses an AIT that includes transport protocol descriptor information 320 and other application specific data 322, as illustrated in Fig. 3 and described in column 11, lines 18-20. However, the cited reference of Ludvig et al. fails to disclose that at least some of the transport protocol descriptor information 320 and the other application specific data 322 are part of a single Xlet. In fact, there is no mention of any Xlet in the cited reference of Ludvig et al. Thus, the cited reference of Ludvig et al. also fails to disclose “*the feature data related to said first feature and said second feature being part of said first Xlet,*” as recited in the amended independent claim 1.

Since the cited references of Peng et al. and Ludvig et al. fail to disclose the claimed limitation of “*the feature data related to said first feature and said second feature being part of said first Xlet,*” the amended independent claim 1 is not obvious in view of these cited references. Thus, Applicant respectfully requests that the amended independent claim 1 be allowed.

The above remarks are also applicable to the amended independent claims 8

and 9, which include a limitation similar to that of the amended independent claim 1. As such, the amended independent claims 8 and 9 are also not obvious in view of the cited references of Peng et al. and Ludvig et al. Thus, Applicant respectfully requests that the amended independent claims 8 and 9 be allowed as well.

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B. Patentability of Dependent Claims 2-7 and 12

Each of the dependent claims 2-7 and 12 depends on the amended independent claim 1. As such, these dependent claims include all the limitations of the amended independent claim 1. Therefore, Applicant submits that these dependent claims are allowable for the same reasons as the amended independent claim 1. Furthermore, these dependent claims may be allowable for additional reasons.

As an example, the new dependent claim 12 recites “*receiving a feature table that comprises a feature name field, a carousel identification field and a startup class name field.*” Support for this limitation can be found at least on page 8, lines 14-19, of Applicant’s specification. Such limitation is not disclosed in the cited references of Peng et al. and Ludvig et al. Thus, the new dependent claim 12 is not obvious in view of these cited references. As such, Applicants respectfully requests that the new dependent claim 12 be allowed.

Applicant respectfully requests reconsideration of the claims in view of the remarks made herein. A notice of allowance is earnestly solicited.

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Respectfully submitted,
Johannes Hendrikus Maria Lemmers

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By: /thomas h. ham/
Thomas H. Ham
Registration No. 43,654
Telephone: (925) 249-1300